

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Public Utility Companies**

13-201.1.

(A) THIS SECTION DOES NOT APPLY TO:

- (1) A COMMON CARRIER; OR
- (2) A VIOLATION OF THE FOLLOWING PROVISIONS OF THIS ARTICLE:
  - (I) TITLE 5, SUBTITLE 4;
  - (II) TITLE 7, SUBTITLE 1;
  - (III) TITLE 8, SUBTITLES 1 AND 3;
  - (IV) TITLE 9, SUBTITLE 3; AND
  - (V) TITLE 8, SUBTITLE 4.

(B) THE COMMISSION MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING \$10,000 AGAINST A PERSON WHO VIOLATES A PROVISION OF THIS ARTICLE, OR AN EFFECTIVE AND OUTSTANDING DIRECTION, RULING, ORDER, RULE, OR REGULATION OF THE COMMISSION.

(C) (1) A CIVIL PENALTY MAY BE IMPOSED IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY THIS ARTICLE.

(2) EACH VIOLATION IS A SEPARATE OFFENSE.

(3) EACH DAY OR PART OF A DAY THE VIOLATION CONTINUES IS A SEPARATE OFFENSE.

(D) THE COMMISSION SHALL DETERMINE THE AMOUNT OF ANY CIVIL PENALTY AFTER CONSIDERING:

(1) THE NUMBER OF PREVIOUS VIOLATIONS OF ANY PROVISION OF THIS ARTICLE;

(2) THE GRAVITY OF THE CURRENT VIOLATION;

(3) THE GOOD FAITH EFFORTS OF THE VIOLATOR IN ATTEMPTING TO ACHIEVE COMPLIANCE AFTER NOTIFICATION OF THE VIOLATION; AND

(4) ANY OTHER MATTER THAT THE COMMISSION CONSIDERS APPROPRIATE AND RELEVANT.

(E) A CIVIL PENALTY COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.